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NEIFELD IP LAW, PC  
4813-B EISENHOWER AVENUE  
ALEXANDRIA VA 22304

AUG 14 2008

**OFFICE OF PETITIONS**

In re Application of :  
Granger, et al. : DECISION ON APPLICATION  
Application No. 09/373,625 : FOR PATENT TERM ADJUSTMENT  
Filed: August 13, 1999 :  
Atty. Dkt. No.: PIP-15-GRANUSCP :

This is a decision on the "37 CFR 1.705 APPLICATION FOR PATENT TERM ADJUSTMENT," filed November 16, 2007. This matter is being properly treated under 37 CFR 1.705(b) as an application for patent term adjustment.

The application for patent term adjustment ("PTA") under 37 CFR 1.705(b) is hereby GRANTED TO THE EXTENT INDICATED HEREIN.

The correct determination of PTA at the time of the mailing of the Notice of Allowance is 322 days.

The Determination of Patent Term Adjustment under 35 U.S.C. 154(b), mailed October 18, 2007, indicated a patent term adjustment (PTA) to date of 12 days. The instant application for PTA was timely filed November 16, 2007. Applicants argue that the application is entitled to an overall adjustment of 583 days.

Applicants do not contest the adjustments to date of 127 days.

Applicants do not contest the reductions to date of 115 days.

Applicants, however, argue that the application is entitled to an additional adjustment of 446 days in connection with the mailing of the Notice of Allowance on October 18, 2007.

A review of the record reveals that applicants are correct. A reply to the non-final Office action mailed November 29, 2005 was received March 29, 2006. In accordance with 37 CFR 1.702(a)(2), the application is entitled to a further reduction of 446 days. The adjustment began July 30, 2006, the day after the date that is four months after the date that the reply was filed, and ended October 18, 2007, the date that the Notice of Allowance was mailed. See, 37 CFR 1.703(a)(2).

However, the adjustment is properly further reduced 29 days in accordance with 37 CFR 1.704(b) in connection with the reply filed March 29, 2006. The reduction began March 1, 2006, the day after the date that is three months after the date that the Office action was mailed, and ended March 29, 2006, the date that the reply to the Office action was filed.

The adjustment is further properly reduced an additional 107 days in accordance with 37 CFR 1.704(c)(8) in connection with the Information Disclosure Statement (IDS) filed July 14, 2006. The reduction began March 30, 2006, the day after the date that the initial reply was filed, and ended July 14, 2006, the date that the IDS was filed.

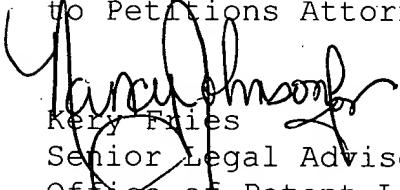
In view thereof, at the time of allowance, the application is entitled to an overall adjustment of 322 days (adjustments totaling 573 days less reductions totaling 251 days).

Receipt is hereby acknowledged of the required PTA application fee of \$200.00.

Applicants are further advised that the patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

The application file is being forwarded to the Office of Patent Publication for issuance of a patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

  
Kelly Fries  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of Deputy Commissioner  
for Patent Examination Policy

Enclosure: Adjusted PAIR Calculation

Day : Tuesday  
Date: 8/12/2008

Time: 18:54:32

# PALM INTRANET

## PTA Calculations for Application: 09/373625

Application Filing Date:	08/13/1999	PTO Delay (PTO):	127
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	115
Post-Issue Petitions:	0	Total PTA (days):	322
PTO Delay Adjustment:	310		

## File Contents History

Number	Date	Contents Description	PTO	APPL	START
118	08/12/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		107	
117	08/12/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		29	
116	08/12/2008	ADJUSTMENT OF PTA CALCULATION BY PTO	446		
106	10/18/2007	MAIL NOTICE OF ALLOWANCE			
105	10/18/2007	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
104	10/18/2007	MAIL EXAMINER'S AMENDMENT			
103	10/18/2007	MAIL EXAMINER'S AMENDMENT			
101	10/13/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
100	10/13/2007	EXAMINER'S AMENDMENT COMMUNICATION			
99	10/01/2007	EXAMINER'S AMENDMENT COMMUNICATION			
98	10/01/2007	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
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96	10/01/2007	NOTICE OF ALLOWABILITY			
92	06/19/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
91	07/14/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
90	10/05/2006	CASE DOCKETED TO EXAMINER IN GAU			
89.7	07/14/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
89	07/14/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
88	06/19/2006	REFERENCE CAPTURE ON IDS			
87.7	06/19/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			

87	06/19/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED				
86	11/29/2005	MAIL NON-FINAL REJECTION	28		82	
85	10/03/2005	NON-FINAL REJECTION				
84	07/01/2005	MISCELLANEOUS INCOMING LETTER				
83	07/08/2005	DATE FORWARDED TO EXAMINER				
82	07/01/2005	APPEAL BRIEF FILED				
81	07/01/2005	REQUEST FOR EXTENSION OF TIME - GRANTED				
80	03/07/2005	NOTICE OF APPEAL FILED				
79	03/02/2005	CORRESPONDENCE ADDRESS CHANGE				
78	03/02/2005	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)				
77	12/09/2004	MAIL NON-FINAL REJECTION	23		72	
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75	11/02/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE				
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73	09/13/2004	DATE FORWARDED TO EXAMINER				
72	07/16/2004	RESPONSE AFTER NON-FINAL ACTION				
71	11/26/2002	MISCELLANEOUS INCOMING LETTER				
70	07/16/2004	WORKFLOW INCOMING AMENDMENT IFW				
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59	07/28/2003	NON-FINAL REJECTION				
58	05/22/2003	DATE FORWARDED TO EXAMINER				
57	05/19/2003	RESPONSE AFTER NON-FINAL ACTION				
56	05/07/2003	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)				
55	11/26/2002	REQUEST FOR REFUND				
54	02/19/2003	MAIL NON-FINAL REJECTION				

53	02/10/2003	NON-FINAL REJECTION			
52	01/16/2003	CORRESPONDENCE ADDRESS CHANGE			
51	01/16/2003	CORRESPONDENCE ADDRESS CHANGE			
50	01/16/2003	CORRESPONDENCE ADDRESS CHANGE			
49	12/02/2002	DATE FORWARDED TO EXAMINER			
48	11/20/2002	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
47	12/02/2002	DATE FORWARDED TO EXAMINER			
46	11/20/2002	REQUEST FOR CONTINUED EXAMINATION (RCE)			
45	12/02/2002	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
44	11/20/2002	REQUEST FOR EXTENSION OF TIME - GRANTED			
43	11/20/2002	WORKFLOW - REQUEST FOR RCE - BEGIN			
42	10/01/2002	NOTICE OF APPEAL FILED			
41	09/23/2002	MAIL ADVISORY ACTION (PTOL - 303)			
40	09/20/2002	ADVISORY ACTION (PTOL-303)			
39	08/26/2002	DATE FORWARDED TO EXAMINER			
38	08/19/2002	AMENDMENT AFTER FINAL REJECTION			
37	08/22/2002	DATE FORWARDED TO EXAMINER			
36	08/19/2002	AMENDMENT AFTER FINAL REJECTION			
35	08/12/2002	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
34	07/01/2002	MAIL FINAL REJECTION (PTOL - 326)			
33	07/01/2002	FINAL REJECTION			
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31	04/22/2002	RESPONSE AFTER NON-FINAL ACTION	32	27	
30	04/22/2002	REQUEST FOR EXTENSION OF TIME - GRANTED			
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27	12/21/2001	MAIL NON-FINAL REJECTION			
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25	09/19/2001	PRELIMINARY AMENDMENT			
24	10/06/2001	DATE FORWARDED TO EXAMINER			
23	09/19/2001	CONTINUING PROSECUTION APPLICATION - CONTINUATION (ACPA)			
22	09/19/2001	MAIL EXPRESS ABANDONMENT (DURING			

		<b>EXAMINATION)</b>		
21	09/19/2001	EXPRESS ABANDONMENT (DURING EXAMINATION)		
20	09/19/2001	WORKFLOW - REQUEST FOR CPA - FINISH		
19	09/19/2001	WORKFLOW - REQUEST FOR CPA - BEGIN		

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#### **EXPLANATION OF PTA CALCULATION**

#### **EXPLANATION OF PTE CALCULATION**

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